

Remarks

Claims 45-66 are pending. Claims 45-47, 49-57, and 59-62 have been rejected and claims 48, 58, and 63-66 have been objected to. By the present amendment, claims 53, 57, 58, and 66 have been canceled, and claims 45, 55, and 62 have been amended amended. Applicants respectfully request reconsideration of the claim in view of the amendments and the following remarks.

Allowable Subject Matter

Applicants acknowledge that the Examiner has indicated that claims 48, 58, and 63-66 would be allowable if rewritten in independent form. In view of the foregoing comments applicants believe that all of the pending claims are allowable and the objection may now be withdrawn.

Amendments

Claims 55 and 67 have been amended to incorporate the limitations of certain dependent claims that the Examiner has deemed to be allowable. Claims 45 has been amended to specify that the UV-curable composition is applied to the primer coat while the primer coat is still uncured. Support for this amendment is found, for example, on page 20, lines 14-24, of the present specification. No new matter is added by these amendments.

§ 102 Rejections

Koreltz

Claims 52-57 and 60-61 stand rejected under 35 USC § 102(e) as being anticipated by Koreltz et al (U.S. Patent No. 5,637,559). The Examiner asserts that Koreltz teaches all of the limitations these claims. Applicants respectfully traverse this rejection as applied to the amended claims.

Applicants have amended claim 52 to include the limitations of claim 58, which the Examiner has indicated was directed to allowable subject matter. Claim 52 now recites a specific combination of components not disclosed by Koreltz. Koreltz, therefore, does not anticipate

amended claim 52 since it fails to provide all of the limitations recited in this claim. Since claims 54-56 and 60-61 all depend directly or indirectly from claim 52, they include all the limitations thereof and are thus patentable for the same reasons as claim 52. Claims 53, 57, and 58 have been canceled. For these reasons, Applicants respectfully submit that the rejection of claims 52-57 and 60-61 under 35 USC § 102(e) as being anticipated by Koreltz has been overcome and should be withdrawn.

Wang

Claims 45-46 and 49-51 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al (U.S. Patent No. 5,494,707). The Examiner asserts that Wang teaches all of the limitations these claims. Applicants respectfully traverse this rejection as applied to the amended claims.

Wang describes a floor covering that includes a floor support surface and a wear surface adhered to the support surface. (Col. 3, lines 57-64.) The wear surface includes an underlying wear layer base coat and an overlying wear layer top coat adhered to the wear layer base coat. (Col. 3, lines 64-67.) The wear layer base coat comprises a flexible, thermoset, polymeric composition, and the wear layer top coat comprises a hard, thermoset, UV-curable blend of acrylic or acrylate monomers. (Col. 4, lines 1-10.) Wang teaches that the different layers of the floor covering system are applied and adhered together “by coating and curing each subsequent layer and/or by using an adhesive or bonding agent between layers to increase adhesion.” (Col. 11, lines 4-11.) Thus, the primer layer of Wang is cured prior to applying the overlying layer. In contrast, with the present invention the latex primer layer is dried, but is still in the uncured state when the UV-curable coating layer is applied. After applying the UV-curable coating layer to the uncured primer coat, UV radiation is applied to the composition to form the hardened protective coating over the substrate. Claim 45 has been amended to clarify that the UV-curable layer is applied before the primer layer has been cured. Wang does not disclose applying the coating layer prior to curing the base coat or primer layer. Wang thus fails to provide all of the elements of claim 45. Since claims 46 and 49-51 all depend from claim 45, they include all of the limitations thereof and are thus patentable for the same reasons as claim 45.

Applicants respectfully submit that the rejection of claims 45-46 and 49-51 under 35 USC § 102(e) as being anticipated by Wang has been overcome and should be withdrawn

Hauser

Claim 62 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hauser et al (U.S. Patent No. 5,464,680). The Examiner asserts that Hauser discloses all of the limitations of claim 62. Applicants respectfully traverse this rejection as applied to the amended claims.

Applicants have amended claim 62 to include the limitations of claim 66, which the Examiner has indicated was directed to allowable subject matter. As amended, claim 62 now recites a specific leveling aid that is not disclosed in Hauser. Hauser, therefore, does not anticipate amended claim 62 since it fails to provide all of the limitations recited in this claim. Applicants respectfully submit that the rejection of claim 62 under 35 USC § 102(b) as being anticipated by Hauser has been overcome and should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Reconsideration of the application is requested.

A Request for Extension Of Time Under 37 CFR § 1.136(a) and authorization to charge the extension of time fee to Assignee's deposit account is included with this Amendment.

All communications in this case should be direct to the undersigned. If the Examiner believes a telephone discussion would be helpful to resolve any of the outstanding issue in this case, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

December 11, 2003

Date

By:

Sean J. Edman

Sean J. Edman, Reg. No.: 42,506

Telephone No.: (651) 575-1796

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833